S.B. Civil Writ Petition No.436/2000

RSRTC & Anr. Vs. Gyan Singh & Ors.

Date of Order : 20/04/2006

Hon'ble Mr. Justice Ajay Rastogi

Mrs. Anjoo Shukla, for petitioners

Instant appeal has been filed by the appellant Corporation against the award passed by the Motor Accident Claims Tribunal, Beawar dt.28th June, 1999 whereby after holding contributory negligence between two offending vehicles, the Corporation has been asked to pay 75% of the amount computed towards their negligence to the claimants under the impugned award.

Counsel for appellant submits that finding, which has been recorded by the learned Tribunal with regard to contributory negligence of the offending vehicle of the Corporation, is not supported by any legal evidence on record.

From the perusal of the impugned award the finding with regard to negligence of the offending vehicle is duly supported by material on record and after computing the total amount of Rs.3,17,000/- the claimants were paid after apportioning the share of the Corporation. I find no error in the finding recorded by the Tribunal with regard to apportionment made towards payment by the Corporation.

Consequently, the appeal fails and is hereby dismissed.

[Ajay Rastogi],J.

FRB